

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**MARY PRZYTULA and BRAD BREDE, on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

BED BATH & BEYOND INC.,

Defendant.

No. 17 Civ. 5124

DECLARATION OF STEVE WHITE

I, STEVE WHITE, based on my personal knowledge of the facts stated herein, testify by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge of the particular stores in which I have worked and of the stores that I oversee in my District.
4. I became employed by Bed Bath and Beyond Inc. (“BBB”) in 2003 as a manager in training. I was eventually promoted to the position of Store Manager, and I served in that role for approximately 3 years until I was promoted to a District Manager. In my current capacity as a District Manager, I oversee 10 stores primarily ranging in volume from low volume to mid

volume, with one high volume store. My stores are primarily in Georgia, and I have 1 store in Alabama.

5. Typically, a BBB District Manager has responsibility for a number of stores in a particular geographic area. Reporting to the District Manager are Store Managers, each of whom is responsible for a single store. The Store Managers, in turn, have Assistant Store Managers (“ASMs”) reporting to them. In my District, each store has either 2 or 3 ASMs. Each store has between 0 and 1 Department Supervisors who report to the ASMs, with my one high volume store having 3 Department Supervisors. ASMs also oversee hourly store associates. The number of hourly associates varies greatly from store to store, with my low volume stores having 20 or fewer associates, my mid volume stores typically having between 20–30 associates, and my high volume store having 39 associates.

6. There are two types of ASMs at BBB: Operations Managers and Merchandise Assistant Managers. All ASMs in my District are classified as exempt employees.

7. Both Operations Managers and Merchandise Assistant Managers are expected to do primarily exempt work. The responsibilities required of an ASM vary as a result of a number of factors.

8. One of these factors is store volume. While their exempt responsibilities remain the same, their individual experience varies. For example, low volume stores affect ASMs’ responsibilities because their stores do not employ as many associates, and as a result, there are not as many associates to delegate to, train, supervise, and discipline.

9. Similarly, local management and the Store Manager of each store affect an ASM’s experience. If a Store Manager is an effective delegator, an ASM will have more managerial tasks to perform and will also be more likely to learn to delegate similarly. If a Store

Manager to whom an ASM reports is a micromanager, then the ASM may, in turn, micromanage his or her associates.

10. The type of ASM (Operations vs. Merchandise Assistant Manager) has an impact on their day-to-day experiences. While both types of ASMs are responsible for managing the Department Supervisors and store associates who report to them, Operations Managers generally supervise more employees than Merchandise Assistant Managers and in different ways. For example, Operations ASMs have responsibility for scheduling and staffing the store and thus by virtue of that role, participate more frequently in the interviewing and hiring process.

11. The personality of each ASM also plays a role, as some ASMs take a more strict approach with holding their associates accountable and others take a more informal approach with respect to discipline.

12. The length of time each ASM has served in their position also affects the amount of time they spend performing managerial duties. Newly promoted ASMs tend to have fewer exempt responsibilities by virtue of their inexperience than their more tenured ASM counterparts.

13. Additionally, ASMs are designated as the “Manager on Duty,” (“MOD”) which affords them an opportunity to assume extra exempt responsibilities. Serving as the MOD means that the person designated as MOD is the decision maker for the store, managing service levels, safety, applicant flow and other areas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16 day of December, 2017.

By:



Steve White

District Manager

Bed Bath and Beyond Inc.